

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 2, 7 and 9 have been canceled without prejudice or disclaimer of the subject matter contained therein. No claims have been added. Thus, claims 1, 3-6, and 8 are pending in the present application, of which claims 1, 6 and 8 are independent.

Noted - Priority Document Received By USPTO

The indication (see present Office Action Summary, box 12(a)(1) as checked) that the certified copy(ies) of the priority document(s) has been received by the USPTO is noted with appreciation.

Noted - IDS Considered

The indication (see present attachment to present Office Action) that the Information Disclosure Statement (IDS) as filed on 02/26/2004 and references listed therein have been considered is noted with appreciation.

Noted - Drawings Approved

The indication (present Office Action Summary, box 10(a) as checked) that the Drawings (submitted on 02/26/2004) have been approved is noted with appreciation.

Claim Rejection Under 35 U.S.C. §101

Claims 1-9 are rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. In particular, the Office Action asserts that claims 1-5 are ostensibly intended to be directed to a machine or manufacture, but do not recite any structure for the apparatus. Claims 6-7 are directed to a computer program.

With respect to claims 8-9, the claim language does not include the required tie or transformation.

In order to overcome the rejections of claims 1, 3-6, and 8 under 35 USC 101, claim 1 has been amended to recite the specific structure of a product information registration management apparatus. Specifically, claim 1 as amended is now directed to a product information registration management apparatus including a hardware controller, which is hardware such as for example a computer. Claim 6 has been amended to be directed to a computer readable medium storing therein a product information registration management program for instructing a computer to execute registration management concerning products. Claim 8 has been amended to be directed to a product information registration management method for causing a computer to execute registration management concerning products, and hence is now tied to a particular apparatus or hardware (i.e., computer) using hardware resources such as a communication line, file, database, etc., as recited in this claim. Accordingly, claims 1, 3-5, 6 and 8 are believed to be directed to statutory subject matter. Withdrawal of the rejection is respectfully requested.

Claim Rejection Under 35 U.S.C. §103

Claims 1-9 are rejected under 35 U.S.C. §103(a) as being unpatentable over King et al., (US 5864755, hereinafter King).

INDEPENDENT CLAIM 1

As an example, independent claim 1 recites, among other things, the following features.

a historical information storage section that stores historical information concerning temporary registration processing executed by said temporary registration section; ...

an information updating section that updates said temporary registration condition information on a basis of said historical information stored in said historical information storage section.

As will be explained below, at least these features of claim 1 are distinctions over King.

According to the above-noted features, the following distinctions are obtained. That is, the historical information accumulated as information concerning products that need to be temporarily registered (i.e. products for which there may be mistakes in ID assignment or mistakes in registration of shipping information) can be fed back to the temporary registration conditions. Thus, it is possible to make more accurate temporary registration propriety decision as the registration processing is repeated. In contrast, the Examiner asserts, on page 5 of the Office Action, that the above-noted features of claim 2 (now incorporated in amended claim 1) are implied from column 2 lines 28-31 of King merely because in King, the assignment between the DID and the unique identifying number is terminated after a predetermined period of time. However, **it is respectfully submitted that the above-noted features of amended claim 1 are not implied from the description in column 2 lines 28-31 of King or anywhere else therein.** In fact, it is not quite clear how the Office Action could arrive at such an implication just because an assignment between DID and a unique identifying number is terminated, as the Office Action does not fully explain the asserted implication.

Hence, the noted features of claim 1, namely "a historical information storage section that stores historical information concerning temporary registration processing executed by said temporary registration section" and "an information updating section that updates said temporary registration condition information on a basis of said historical information stored in said historical information storage section", are distinctions over King.

Among other things, a *prima facie* case of obviousness must establish that the asserted reference teaches or suggests each and every element of the claimed invention. In view of the distinctions of claim 1 noted above, at least one claimed element is not present in the reference. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis claim 1. Amended independent claims 6 and 8 recite, among other things, features similar to the above-noted features of claim 1. Accordingly, claims 6 and 8 are allowable over the asserted reference for at

least reasons similar to those noted above with respect to claim 1. Claims 3-5 ultimately depend from claim 1, and so at least similarly distinguish over the asserted reference.

In view of the foregoing discussion, the rejection of claims 1, 3-6 and 8 is improper. Accordingly, withdrawal of the rejection is respectfully requested.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below.

Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 50-4610.

Respectfully submitted,

Dated: June 9, 2009

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